

21-2-01201-34  
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 Complaint  
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E-FILED  
 THURSTON COUNTY, WA  
 SUPERIOR COURT  
 07/06/2021 8:05:28 AM  
 Linda Myhre Enlow  
 Thurston County Clerk

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY THURSTON

LAUREN STROBLE, an individual,

Plaintiff,

Case No.:

vs.

21-2-01201-34

WALMART

COMPLAINT FOR  
 PERSONAL INJURIES

Defendant.

TO THE DEFENDANT(S):

COMES NOW the plaintiff, Lauren Stroble, by and through her attorney of record, Myles J. Johnson, and alleges the following claims for the relief against the Defendants.

**I. IDENTIFICATION OF PARTIES, JURISDICTION AND VENUE**

1.1 All acts and omissions hereinafter alleged occurred within Thurston County, Washington.

This Court has jurisdiction over this cause of action and is a proper venue for the resolution of this dispute.

1.2 At all times material hereto, plaintiff Lauren Stroble was an individual residing in the State of Washington.

1.3 All acts and omissions alleged herein occurred at 1401 Galaxy Dr. NE, Lacey, Washington, 98516. Defendant is the owner and/or responsible for management of the premises located at 1401 Galaxy Dr. NE, Lacey, Washington, 98516.

**II. LIABILITY**

SUMMONS

JOHNSON & CYR LAW, PLLC  
 16400 SOUTHCENTER PKWY  
 STE 402 TUKWILA, WA  
 PH: 253.888.5993  
 F: 253.322.3191

1 2.1 Prior to May 9, 2019, Defendant installed laminate/vinyl type flooring near the dressing  
2 room area of Wal-Mart at 1401 Galaxy Dr. NE, Lacey, Washington. There were no  
3 posted signs, warnings and/or cones indicating potential danger.  
4

5 2.2 On or about May 9, 2019, Plaintiff Lauren Stroble entered the Wal-Mart located at 1401  
6 Galaxy Dr. NE, Lacey, Washington to try on clothing in the designated dressing room.

7 2.3 Plaintiff Lauren Stroble sustained personal injuries, both physical and mental, which  
8 necessitated medical care and treatments and hospitalization; has suffered both physical  
9 pain and mental pain, disability, discomfort and anguish.  
10

11 2.4 The proximate cause of the incident occurred described above, and resulted in injuries to  
12 Plaintiff was the negligence and carelessness of the defendants, who are the owners  
13 and/or responsible for management of the property where the incident occurred.

14 2.5 As a direct and proximate result of the defendants' negligence and carelessness, Plaintiff  
15 was injured, suffered physical disability and pain, emotional trauma, medical expenses,  
16 and other damages.  
17

18 **III. NEGLIGENCE**

19 3.1 On the date of the alleged occurrence, Defendants were under the ownership, control,  
20 supervision, management, care and maintenance of the property. The Defendants, by and  
21 through its agents, servants, employees, owed Plaintiff a duty to provide and maintain a  
22 safe premises for the benefit of invitees/customers. The Defendants also had a duty to:

- 23 a. Provide safe and adequate maintenance of the premises and grounds;  
24  
25 b. Provide invitees/customers with warning signs regarding unsafe areas and hidden  
26 dangers;  
27  
28

- c. Have a system to provide warnings to invitees/customers by roping off, taping off and/or utilizing safety cones to mark unsafe areas and hidden dangers;
- d. Have a system in place to inspect the premises for unsafe conditions;
- e. Inspect the premises for unsafe conditions once its employees become aware or should become aware of potential unsafe conditions;
- f. Eliminate unsafe conditions on its premises once its employees become aware or should become aware of unsafe conditions;
- g. Ensure the invitees/customers receive adequate warning of known unsafe conditions so as to protect invitees/customers from injury;
- h. Ensure that all independent contractors and vendors are performing their duties in a safe manner and are providing reasonable safety warnings to invitees/customers or restricting access to any area with dangerous conditions.

3.2 Defendants breached their duties as set forth in paragraphs 2.1 to 3.1

3.3 As a direct and proximate cause of Defendants' breach of their duties as set forth in paragraphs 3.1 and 3.2, Plaintiff suffered personal injuries. Negligence of Defendant was the sole and proximate cause of the aforesaid incident.

3.4 Defendants had actual and/or constructive notice of the defects, dangerous conditions and negligence alleged in paragraphs 2.1 through 3.4

#### **IV. NO COMPARITIVE FAULT**

4.1 Plaintiff was without negligence of any kind or nature whatsoever and did not contribute to her own injuries or damages in any way.

#### **V. DISCOVERY AND LIMITED PHYSICIAN/PATIENT WAIVER**

5.1 Discovery should be limited under CRLJ 26

5.2 Plaintiff hereby waives the physician-patient privilege ONLY to the extent required by RCW 5.60.060, as limited by the Plaintiff's constitutional rights of privacy, contractual rights of privacy, and the ethical obligation of physicians and attorneys not to engage in *ex parte* contact between a treating physician and the patient's legal adversaries.

**VI. PRAYER FOR RELIEF**

WHEREFORE, Plaintiff pray for judgment over and against the Defendants, jointly and severally, and for relief as follows;

6.1 The Plaintiff be awarded general and special damages against Defendants in an amount to be proven at trial for the defendants' negligence, including past and future medical expenses and other health care expenses; past and future loss of earnings; permanent partial impairment of earnings and earning capacity; pain and suffering, both mental and physical; past and future permanent partial disability; loss of enjoyment of life and for reduction of life expectancy; past and future special damages; and interest calculated at the maximum amount allowable by law, including prejudgment interest.

6.2 For attorneys' fees, costs, and disbursements;

6.3 For such other and further relief as the Court deems just and equitable.

DATED this 23rd day of June, 2021.



MYLES J. JOHNSON, WSBA #47642  
JOHNSON & CYR LAW, PLLC  
16400 Southcenter Pkwy Ste 402  
Tukwila, WA 98188  
Attorney for Plaintiff